

## REMARKS

### Status of the Claims

Claims 1-14 are now present in this application. Claim 1 is independent.

Claims 1 and 14 have been amended. Reconsideration of this application, as amended, is respectfully requested.

### Claim Objections

The Examiner has objected to claims 1 and 14 because of several informalities. In order to overcome this objection, claims 1 and 14 have been amended to address the Examiner's concerns. Specifically, claim 1, lines 6 and 7 have been amended to recite "the broadcasted program content" and claim 14, lines 27 and 28 have been amended to recite "a video encoding method, a video encoding bit rate, and a video encoding mode."

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

### Rejections under 35 U.S.C. §103

Claims 1, 2, 5-7 and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (US 2004/0117831, hereinafter "Ellis") in view of Menard et al. (US 6,810,526; hereinafter "Menard"), and further in view of Williamson et al. (US 2003/02008767; hereinafter "Williamson").

Claims 3-4 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis, in view of Menard and Williamson, and further in view of O'Callaghan et al. (US 5,594,492; hereinafter "O'Callaghan").

These rejections are respectfully traversed.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, **the combination must teach each and every claimed element.**

A complete discussion of the Examiner's rejections is set forth in the Office Action, and is not being repeated here.

Independent claim 1 as amended recites, *inter alia*,

the program content analyzing/retrieving system receives and analyzes the broadcasted program content, generates the program information to be stored independently from the broadcasted program content on a program content basis, and provides independently from the broadcasted program content the generated and stored program information on a program content which meets a search condition for the user terminal in response to a search request of program information on a desired program content sent from the user terminal, said generated and stored program information including attribute information associated with a video component and an audio component of the program content; and

**said attribute information associated with the audio component of the program content includes information of at least one of sampling frequency, an audio encoding method, an audio encoding bit rate, and an audio encoding mode, said attribute information associated with the audio component of the program content being generated by analyzing the program content.**

The Examiner notes that Ellis and Menard do not disclose attribute information associated with the audio component of the program content including information of at least one of sampling frequency, an audio encoding method, an audio encoding bit rate, and an audio encoding mode as claimed. Therefore, Ellis and Menard also do not disclose that the claimed attribute information associated with the audio component of the program content is generated by analyzing the program content.

Williamson describes a headend 105 for receiving programs and services from providers and sources. The headend 105 includes an A/S processor 109 for creating “assets,” which is a container for any object including video, audio, images, text etc. The asset includes metadata to describe attributes that are inherent in the content of the asset, such as the format, size, or encoding method. In addition, the values for an asset metadata are determined at the time the asset is created. See paragraphs [0038], [0039] and [0043] and Figure 1 of Williamson.

The Examiner alleges that the metadata in Williamson corresponds to the claimed attribute information. However, Williamson specifies that the metadata associated with program content is created by using corresponding *program guide data*. See paragraph [0045] of Williamson. In contrast, amended claim 1 specifies that attribute information associated with the audio component of the program content **is generated by analyzing the program content**. As

such, similarly to Ellis and Menard, Williamson fails to disclose “said attribute information associated with the audio component of the program content includes information of at least one of sampling frequency, an audio encoding method, an audio encoding bit rate, and an audio encoding mode, said attribute information associated with the audio component of the program content being generated by analyzing the program content” as claimed.

In view of the above amendments and remarks with respect to claim 1, it is respectfully submitted that the asserted combination of Ellis, Menard and Williamson (assuming they can be combined, which Applicants do not admit) fails to establish *prima facie* obviousness. O’Callaghan has not been, and indeed cannot be, relied upon to make up for at least the deficiency of Ellis, Menard and Williamson. As claims 2-14 depend from claim 1, it is respectfully submitted that these claims are also patentable for at least their dependency. Thus, it is respectfully requested that the rejections of claims 1-14 under 35 U.S.C. § 103(a) be withdrawn.

### **Conclusion**

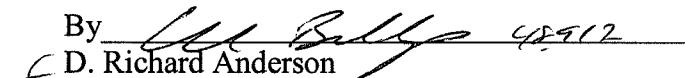
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dennis Powei Chen, Registration No. 61,767 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: July 6, 2011 Respectfully submitted,

By   
D. Richard Anderson  
Registration No.: 40439  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000